

REMARKS

Reconsideration and allowance of this application are respectfully requested.

Status of the Claims

Claims 1-8 are pending in this application, with Claim 1 being the only independent claim. Claims 6-8 are withdrawn from consideration. Claim 1 is amended herein to more clearly recite the features of the claimed invention. Support for the amendment may be found in the specification at least at page 12, lines 15-20. Applicants respectfully submit that no new matter has been added by the amendments herein.

Section 112 Rejection

Claims 1-5 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. The Examiner questions why the amendment to the claim reads “the crystallite size being greater than the average particle thickness” while the specification reads “[t]he crystallite size is preferably greater than the average particle thickness or average particle diameter.”

The explanation is as follows. As discussed in the specification at page 10, lines 8-27, the crystal shape of the alumina hydrate used in the recording medium of the present invention is classified into two forms--the flat plate form and the needle form. Due to differences in crystal structure, the flat plate form is characterized by the average particle thickness while the needle form is characterized by the average particle diameter. Thus,

depending the form of the crystal, the crystallite size is compared either to the average particle thickness or to the average particle diameter. In Claim 1, the crystallite size is compared to the average particle thickness. Accordingly, Applicants respectfully request withdrawal of this rejection.

Section 103 Rejections

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Yoshino et al. (EP 709,222) and Eguchi et al. (EP 701,904). Claims 1, 4 and 5 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Yoshino et al. and Eguchi et al., and further in view of Misuda et al. (U.S. Patent No. 5,104,730) or Applicants' alleged admissions on page 4 of the specification. Applicants respectfully disagree with these rejections as applied to the present claims.

In previously known recording media of the type containing alumina hydrate in the ink-receiving layer, problems such as curling before and after printing, cracking and dusting often occur. Upon discovering that the relationship between the crystallite size in the direction of a (020) plane and the average particle thickness has an influence on the performance of the recording medium, Applicants prepared the recording medium as recited in Claim 1. Compared to the conventional recording media, the recording medium of the present invention has greatly improved resistance to curling, cracking and dusting.

The Examiner contends that because the method of production disclosed by Yoshino et al. and Eguchi et al. are the same or similar to those of the present application, the

articles produced should inherently have the properties of the claimed recording medium. In response, Applicants wish to point out that the method used to produce the recording medium of the present invention is distinct from the method of production disclosed by Yoshino et al. or Eguchi et al. In particular, in the present invention, as discussed at least at page 33, lines 18-20, rapid cooling treatment is conducted during the production of alumina hydrate so that a recording medium having a high degree of parallelization of 30 to 1,000 can be obtained.

In contrast, Yoshino et al. does not teach or suggest the degree of parallelization of a recording medium, while Eguchi et al. only provides a recording medium having a degree of parallelization in the range of 1.6-3.5.

Misuda et al. is cited for teaching the use of a layer of silica powder over a layer of pseudo-boehmite in a recording sheet. Page 4 of the specification is cited for teaching the use of a silica layer to reduce scratch marking. Applicants submit that neither Misuda et al. nor page 4 of the specification remedies the deficiencies of the Yoshino et al. and Eguchi et al. references. Therefore, even if one were to combine all the references, the claimed recording medium would not result.

Accordingly, Applicants conclude that none of the cited references, whether taken alone or in combination, anticipates or renders obvious the present invention as recited in Claim 1.

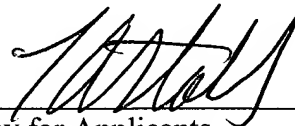
Applicants submit that the present invention is patentably defined by independent Claim 1. The dependent claims are allowable for the reasons given regarding Claim 1, as well as for the patentable features recited therein. Individual consideration of the dependent claims is respectfully solicited.

Applicants respectfully request that this Amendment After Final be entered. This Amendment could not have been presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicants believe that a full understanding and consideration of this Amendment would not require undue time or effort by the Examiner. No new claims have been added. Moreover, for the reasons discussed above, Applicants submit that this Amendment places the application in condition for allowance. At the very least, it is believed to place the application in better form for appeal. Accordingly, entry of this Amendment is believed to be appropriate and such entry is respectfully requested.

The present application is in condition for allowance. Favorable consideration, withdrawal of the Section 112 and 103 rejections set forth in the Office Action, and an early Notice of Allowance are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Lawrence A. Stahl
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
LAS/JKD/HC:ksp
DC_MAIN 128106 v